

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROYCE CORLEY a/k/a "Yisrael ben Yahudah;"

Plaintiff,

-versus-

RANTAB ENTERPRISES INCORPORATED d/b/a "Rantab Restaurant Cuisine;" ANJALI SINGH, M.D., CHRISTINA LIU, M.D., JANE DOE, in their individual and official capacity as employees of the ST LUKE'S- ROOSEVELT HOSPITAL CENTER a/k/a "Mount Sinai Morningside;" and NYPD OFFICER #1, NYPD OFFICER #2, and JOHN DOE in their individual and official capacity as public officers of the CITY OF NEW YORK,

24 Civ. 528
(Garnett, J.)

Defendants.

CERTIFIED RESPONSE TO THE STATUTE OF LIMITATIONS DEFENSE

Plaintiff ROYCE CORLEY a/k/a "Yisrael ben Yahudah," acting pro se, files this response challenging the Defendants' Defense that all of the claims are barred by the Statute of Limitations because: (1) all of the claims accrued later than the Defendants allege; (2) all of the claims were timely filed with the Court; and (3) the interest of justice or equitable tolling would otherwise defeat any statute of limitations defense.

CLAIMS DID NOT ACCRUE UNTIL AFTER JANUARY 23, 2024

Plaintiffs went to the hospital in connection with the miscarriage "[o]n the afternoon of January 23, 2021." See Civil Complaint (Dkt. #1, paragraph 25). Plaintiff recalls that the sun was already set when everyone arrived at the hospital. According to historical records the sunset occurred at approximately 5:03pm on January 23, 2021. Sunrise and sunset times in New York: <https://www.timeanddate.com/sun/usa/new-york?month=1&year=2021>.

Plaintiff estimates that everyone was detained for "approximately six to eight (6-8) hours" (Id., paragraph 24). This would mean that Plaintiffs were not released from the hospital until after midnight or January 24, 2021.

CIVIL COMPLAINT TIMELY FILED ON JANUARY 23, 2024

Claims brought pursuant to 42 U.S.C. § 1983 are subject to a three-year statute of limitations in New York. See Hogan v. Fischer, 738 F.3d 509, 517 (2d Cir. 2013). The same three-year period also applies to claims for Negligent Infliction of Emotional Distress. See Goldstein v. Mass. Mut. Life Ins. Co., 32 A.D.3d 821 (2d Dep’t 2006). Therefore, Plaintiff’s claims are timely because the claims did not accrue until January 24, 2021 and Complaint was timely filed on January 23, 2024 at 11:50 PM with Pro Se Intake Unit via e-mail to Temporary Pro Se Filing NYSD <pro_se_filing@nysd.uscourts.gov>. See Exhibit A (Automatic reply: Civil Complaint - Yisrael v. Rantab, et al.). The clerk likely put the filing date as January 24, 2024 because a technical correction was made to the complaint less than thirty (30) minutes later to fix an error with the “Jury Demand” checkboxes. See Exhibit B (CORRECTION: CIVIL RIGHTS COMPLAINT (Yisrael v. Rantab, et al.), e-mailed January 24, 2024 at 12:17 AM).

EQUITABLE TOLLING AND INTEREST OF JUSTICE

Nevertheless, Plaintiffs claims would survive and defeat a limitations defense based upon the principle of equitable tolling that would apply even if the Court were to consider the complaint was filed literally 17 minutes late on January 24, 2024 at 12:17 AM. The Supreme Court has held that non-jurisdictional limitations periods are presumptively subject to equitable tolling. See e.g., Boechler, P.C. v. Commissioner of Internal Revenue, 596 U.S. ____ (Sup. Ct. 2022).

CERTIFICATION

I, Royce Corley, hereby certify under the pain and penalty of perjury pursuant to 28 U.S.C. § 1746, that the above statements and affixed exhibits are true and correct to the best of my knowledge.

Dated: October 18, 2024
Wilmington, DE



A handwritten signature in blue ink, which appears to read "ROYCE CORLEY", is written over a horizontal line. Below the line, the letters "P", "L", "A", "I", "N", "T", "I", "F", and "F" are handwritten in a cursive style, corresponding to the peaks and troughs of the signature line.

Royce Corley, pro se
1207 Delaware Avenue
Suite 1619
Wilmington, DE 19806
corley.paralegal@gmail.com

Exhibit A



Corley Integrated Paralegal Services <corley.paralegal@gmail.com>

Automatic reply: Civil Complaint - Yisrael v. Rantab, et al.

1 message

Temporary Pro Se Filing NYSD <pro_se_filing@nysd.uscourts.gov>
 To: Corley Integrated Paralegal Services <corley.paralegal@gmail.com>

Tue, Jan 23, 2024 at 11:50 PM

Acknowledgment of Receipt:

Your email has been received by the Pro Se Intake Unit of the United States District Court for the Southern District of New York. (This is not the United States Bankruptcy Court.)

Documents from pro se litigants that meet the required standards for electronic filing will be filed and will appear on the ECF docket within two business days of receipt (see required standards below). If you send your document by email and it is accepted for filing, you should not deliver a hard copy version to the court.

Required Standards for Filing by Email:

- Documents must be attached to the email in PDF format, no larger than 10 megabytes;
- The email and attached document must contain the case number, filer's name, address, and telephone number;
- Documents must be signed by the filing party by either
 - (a) signing by hand and then scanning the document;
 - (b) signing electronically using a digital signature; or
 - (c) by typing: "s/Filer's Name;"
- Any additional comments, questions, or other messages in the email will be disregarded;
- Any additional correspondence included in the email will be disregarded.

If your document does not appear on the ECF docket within two business days, it has not met the required standards for electronic filing. If so, you must submit your document to the court in paper form by (a) sending your document by mail, or overnight delivery service, to the appropriate courthouse listed below; or (b) delivering your document in-person to the appropriate courthouse listed below between the hours of 9:30 AM to 1:00 PM; or (c) depositing your document after hours in the court's night depository box at the **500 Pearl Street, NY, NY** courthouse.

United States Courthouse

Pro Se Intake Unit

500 Pearl Street

New York, NY 10007

or

United States Courthouse

Pro Se Intake Unit

300 Quarropas Street

White Plains, NY 10601

For more information on the Standards for Filing by Email go to: <https://nysd.uscourts.gov/sites/default/files/pdf/covid-19/Notice%20-%20Pro%20Se%20Email.pdf>.

You can receive notifications by email of activity in your case by consenting to receive documents electronically. To do so, complete and mail the form found at <https://nysd.uscourts.gov/forms/consent-electronic-service-pro-se-cases>.

Exhibit B



Corley Integrated Paralegal Services <corley.paralegal@gmail.com>

CORRECTION: CIVIL RIGHTS COMPLAINT (Yisrael v. Rantab, et al.)

1 message

Corley Integrated Paralegal Services <corley.paralegal@gmail.com>
To: Temporary_Pro_Se_Filing@nysd.uscourts.gov

Wed, Jan 24, 2024 at 12:17 AM

Corley Integrated Paralegal Services
1207 Delaware Avenue
Suite 1619
Wilmington, DE 19806

January 23, 2024

Court Clerk
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

RE: CIVIL RIGHTS COMPLAINT (Yisrael v. Rantab, et al.)

Dear Court Clerk:

Enclosed is a Civil Complaint to be filed anew in the above referenced case on behalf of the plaintiffs in this matter appearing on the record as PRO SE. Please forward the required forms to proceed in forma pauperis and to request the assignment of counsel.

Sincerely,

/s/

Royce L. Corley and
Rochelle G. Evelyn
PRO SE

Enclosure

2 attachments

Civil Rights Complaint - Yisrael v. Rantab.pdf
185K

Civil Cover Sheet - Yisrael v. Rantab.pdf
1398K